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Attorneys for Defendant

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
FRESNO DIVISION

LANA WEATHERLY,	)	CIVIL NO. 1:24-cv-00250-BAM
Plaintiff,	)	
v.	)	<b>STIPULATION TO VOLUNTARY</b>
MARTIN O'MALLEY,	)	<b>REMAND PURSUANT TO SENTENCE</b>
Commissioner of Social Security,	)	<b>FOUR OF 42 U.S.C. § 405(g) AND TO</b>
Defendant.	)	<b>ENTRY OF JUDGMENT; <del>PROPOSED</del></b>
	)	<b>ORDER</b>
	)	
	)	

IT IS HEREBY STIPULATED by and between the parties, through their undersigned attorneys, and with the approval of the Court, that this action be remanded for further administrative action pursuant to the Social Security Act § 205(g), as amended, 42 U.S.C. § 405(g), sentence four. On remand, the Appeals Council will instruct the administrative law judge (ALJ) to take any action necessary to further develop the record; reevaluate the medical evidence and other evidence of record; reevaluate Plaintiff's ability to perform a significant number of jobs at step five, obtaining vocational expert evidence, if necessary; offer Plaintiff the

1 opportunity for a new hearing; and issue a new decision. The parties further request that the  
2 Court direct the Clerk of the Court to enter a final judgment in favor of Plaintiff, and against  
3 Defendant, reversing the final decision of the Commissioner.

4 Respectfully submitted,

5  
6 DATE: May 6, 2024

/s/ Francesco Paulo Benavides\*

FRANCESCO PAULO BENAVIDES

Attorney for Plaintiff

\*Authorized via e-mail on May 6, 2024

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10 PHILLIP A. TALBERT

United States Attorney

11 MATHEW W. PILE

Associate General Counsel

Office of Program Litigation, Office 7

13  
14 DATE: May 6, 2024

By: /s/ Justin L. Martin

JUSTIN L. MARTIN

Special Assistant United States Attorney

Office of Program Litigation, Office 7

16 Attorneys for Defendant

17 **ORDER**

18 Based upon the parties' stipulation to Voluntary Remand Pursuant to Sentence Four of 42  
19 U.S.C. § 405(g) and to Entry of Judgment, and for cause shown, IT IS ORDERED that the  
20 above-captioned action is remanded to the Commissioner of Social Security for further  
21 proceedings pursuant to the Social Security Act § 205(g), as amended, 42 U.S.C. § 405(g),  
22 sentence four. On remand, the Appeals Council will remand the case to an administrative law  
23 judge for a new decision in accordance with the parties' Stipulation. The Clerk of the Court is  
24 directed to enter final judgment in favor of Plaintiff, and against Defendant, reversing the final  
25 decision of the Commissioner.  
26 IT IS SO ORDERED.

27 Dated: May 7, 2024

/s/ Barbara A. McAuliffe

28 UNITED STATES MAGISTRATE JUDGE